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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/446,835	12/29/1999	GREGORY FENDIS	P06608US0/DE	2965

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EXAMINER

WHITE, CARMEN D

ART UNIT	PAPER NUMBER
3714	

DATE MAILED: 07/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/446,835	<b>Applicant(s)</b> FENDIS, GREGORY
	<b>Examiner</b> Carmen D. White	<b>Art Unit</b> 3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 20 May 2002.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-43 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-43 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on filing is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 20, 2002 has been entered.

### ***Claim Objections***

Claim 19 is objected to because of the following informalities: it recites "transit" in line 2. This appears to be a typographical error. The examiner has interpreted this as *transmit*. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 4, 7, 17, 29-31 and 41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said respective location and "said respective data collection means" in line 15. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "said tag" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "said data tag" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites the limitation "said respective location" and "said respective terminal".in line 12. There is insufficient antecedent basis for this limitation in the claim.

Claim 29 recites "and/or" in line 3 of the claim. This claim language makes it difficult to ascertain the scope and metes and bounds of the claim.

Claim 30 recites the limitation "said respective location" and "said respective terminal" in 14. There is insufficient antecedent basis for this limitation in the claim.

Claim 31 recites the limitation "the location" and "said respective terminal" in lines 5 and 6, respectively. There is insufficient antecedent basis for this limitation in the claim.

Claim 41 recites the limitation "said respective data input means" in line 2. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-5, 13-14, 16-22, 29-38 and 41-43 are rejected under 35 U.S.C. 102(b) as being anticipated by **Colley** (5,283,733).

Regarding claims 1-5, 13-14, 16-22, 29-38 and 41-43, Colley discloses a golf scoring/sport data collection system that includes a central score collection computer for accumulating, storing and manipulating golf scores (Fig. 1, #1); a plurality of score input terminals for entering golf score data remotely, said terminals being distributed about a golf course so that one or more of said terminals are *located in association with each hole of said course* (Fig. 1, # 3) and each of said terminals is provided with data indicative of its location; and communications means for communicating between said terminals and said central computer; whereby golf score data corresponding to a respective one of said holes can be entered into any one of aid one or more terminals located in association with a respective hole and wherein said golf score data so entered and said data indicative of a respective location of a respective terminal are transmitted to the central computer (also see written description- abstract; col. 1, lines 27-32 and lines 36-42).

Claims 1-5, 13-14, 16-22, 29-38 and 41-43 are rejected under 35 U.S.C. 102(e) as being anticipated by **Born** et al (5,949,679).

Regarding claims 1-5, 13-14, 16-22, 29-38 and 41-43, Born teaches a golf scoring/sport data collection system that includes a central score collection computer for accumulating, storing and manipulating golf scores (Fig. 1, #12); a plurality of score input terminals for entering golf score data remotely, said terminals being distributed

about a golf course so that one or more of said terminals *are located in association with each hole of said course* (Fig. 1, #14) and each of said terminals is provided with data indicative of its location; and communications means for communicating between said terminals and said central computer; whereby golf score data corresponding to a respective one of said holes can be entered into any one of aid one or more terminals located in association with a respective hole and wherein said golf score data so entered and said data indicative of a respective location of a respective terminal are transmitted to the central computer (also see written description- abstract; col. 4, lines 9-14; col. 5, lines 5-16; col. 5, lines 26-29; col. 5, lines 57-64; col. 6, lines 29-39; col. 14, lines 4-6 and col. 14, lines 50-53).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-12, 23-28 and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colley or Born et al in view of Lyon.

Regarding claims 6-12, 23-28 and 39-40, Colley or Born teaches all the limitations of the claims as discussed above. Although the references teach the use of computer input terminals, they are silent on allowing the use of smart card storage and reader devices. In an analogous golf score data system, Lyon teaches the use of a smart card and smart card reader for input and storage of data pertaining to the golfer's

score and I.D. information (Fig. 2A and Fig. 4). It would have been obvious to a person of ordinary skill in the art at the time of the invention to employ the use of a smart card and reader at the input terminals of Colley or Born to make it quicker and easier for the golfer to input and store data. It is well known in golf scoring systems to use smart cards/magnetic cards to store score data.

***Pertinent Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Matthews ('390), Matthews ('416), Matthews ('201), and Lobsenz teach golf scoring systems.

***Examiner's Response***

Applicant argues that the Colley reference does not teach the plurality of input means located at respective locations (holes). However, the examiner disagrees. Colley clearly teaches the location of input terminals at each hole (Fig. 1, #3). The examiner has also updated the search and cited Born et al, above, for teaching this feature.

***USPTO Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carmen D. White whose telephone number is 703-308-5275. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jessica Harrison can be reached on 703-308-2217. The fax phone

numbers for the organization where this application or proceeding is assigned are 703-308-7768 for regular communications and 703-305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1078.

*CW*  
Carmen White  
Patent Examiner

*V. Martin-Wallace*

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